

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 648 - SB 832**

March 24, 2021

**SUMMARY OF ORIGINAL BILL:** Makes various changes to procedures governing authorization for the destruction of original public records.

**FISCAL IMPACT OF ORIGINAL BILL:**

Decrease Local Expenditures –  
Exceeds \$1,000/FY21-22 and Subsequent Years/Permissive

**SUMMARY OF AMENDMENT (005385):** Deletes and rewrites all language after the enacting clause such that the substantive change establishes required periods of time which certain original paper versions must be retained prior to becoming eligible for destruction.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Tennessee Code Annotated § 10-7-404 through § 10-7-414 provides that County Public Records Commissions:
  - May authorize the destruction of any and all public records after such records have been copied, upon a majority vote;
  - May authorize the destruction or transfer of original public records, including court records, which have been reproduced onto computer storage media;
  - May not authorize the destruction of any original process in a civil action or criminal proceeding;
  - Must follow regulations promulgated by the State Library and Archives regarding reproducing public records.
- The proposed language:
  - Removes the prohibition against the destruction of original process in civil action or criminal proceedings;
  - Authorizes the destruction or transfer of an original paper record without a majority vote of the County Public Records Commission;

- Requires original paper versions of records to be retained for one year, if the record was created between July 1, 2021 and July 2, 2022;
- Requires original paper versions of records to be retained for six months, if the record was created between July 1, 2022 and July 1, 2023; and
- Removes the requirement that County Public Records Commissions follow regulations promulgated by the State Library and Archives regarding reproducing public records.
- It is reasonably assumed that the proposed language will result in instances where the destruction of original paper documents will be authorized where, under current law and regulations, such records were required to be maintained, even after being digitally reproduced. Following the destruction of original paper documents, it is reasonable to assume local governments will require less storage to house such documents.
- The proposed language is reasonably estimated to result in a permissive recurring decrease in local expenditures exceeding \$1,000 annually, statewide.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jh